

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEBORAH JUAREZ,

Plaintiff,

v.

LELAND DUDEK, Commissioner of  
Social Security,

Defendant.

Case No. 2:24-cv-2948-TLN-JDP (SS)

ORDER

The court's October 29, 2024 scheduling order directed the Commissioner to file a copy of the administrative record within sixty days and ordered plaintiff to file a motion for summary judgment within thirty days of service of the administrative record. ECF No. 5 at 2. The Commissioner filed the administrative record on February 3, 2025. ECF No. 11. Plaintiff's motion was due thirty days later. Plaintiff did not timely file a motion, therefore, on March 19, 2025, I ordered plaintiff to show cause within fourteen days why sanctions should not be imposed. ECF No. 14. I warned plaintiff that failure to comply with the March 19 order would result in a recommendation that this action be dismissed for failure to prosecute and to comply with court orders. *Id.* After the deadline for plaintiff to file a motion for summary judgment and response to the order to show cause passed without word from plaintiff, I recommended that this action be dismissed for failure to prosecute and failure to comply with court orders. ECF No. 15.

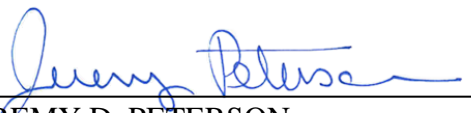
1 Plaintiff has now filed objections to the April 15, 2025 findings and recommendations.  
2 ECF No. 16. Therein, plaintiff's attorneys explain that they had two internal scheduling problems  
3 that caused them to miss both the initial filing date and the deadline to file a response to the  
4 court's order to show cause. In light of counsel's recognition of their errors and the court's  
5 preference for litigation on the merits, I will vacate the April 15, 2025 findings and  
6 recommendations. The Clerk of Court shall file ECF No. 16-3 (plaintiff's motion for summary  
7 judgment) on the docket as a separate filing.

8 Accordingly, it is ORDERED that:

- 9 1. The April 15 findings and recommendations, ECF No. 15, are vacated.  
10 2. The Clerk of Court shall file ECF No. 16-3 (plaintiff's motion for summary judgment)  
11 on the docket as a separate filing.  
12 3. The parties should adhere to the court's scheduling order for all further deadlines.

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14 IT IS SO ORDERED.

15 Dated: April 23, 2025

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17 JEREMY D. PETERSON  
18 UNITED STATES MAGISTRATE JUDGE  
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